

of the Thirty-first Legislature, creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency, passed at the Third Called Session of the Thirty-first Legislature, and approved August 17, 1910, and amending Sections 10 and 11 of said act so that they shall hereafter read as set out, and by adding thereto Sections 40 and 41, provided a method of making up the tax rolls of Lamar county, providing a regulation for traffic on said roads, and declaring an emergency."

And find it correctly enrolled, and have this day, at 3:45 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

#### PETITIONS AND MEMORIALS.

By Senators Vaughan, Greer, Taylor and Conner:

Numerous petitions numerous signed by citizens of their district advocating the passage of the railway consolidation bills before the Legislature.

By Senator Paulus:

Numerous petitions signed numerous by citizens of various communities of Texas asking that the Constitution be amended providing for a tax equaling its rental value on all land (except homesteads) held for speculative purposes, and providing that certain classes of property may be exempted from taxation.

By Senators Terrell and Murray:

Petitions numerous signed requesting adoption of Senate bill No. 27 and House bill No. 20, regulating the sale of medicine by rural wagons.

By Lieutenant Governor Mayes:

Telegram signed by officers of the Barstow Commercial Club requesting immediate earnest consideration of the district irrigation bill, and that same be passed.

By Senators Collins, Greer and Carter:

Petitions numerous signed by citizens of their districts endorsing the measure which seeks to appropriate funds to the use of the counties in supplementing Federal appropriations to maintain Federal agricultural work in such counties.

#### FORTIETH DAY.

Senate Chamber.

Austin, Texas,

Thursday, March 6, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.
Morrow.	

Absent—Excused.

Bailey.

Hudspeth.

Prayer by Rev. V. A. Godby, Presiding Elder of the Methodist church of this conference district.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Darwin.

(See Appendix for petitions and memorials and standing committee reports.)

#### EXCUSED.

On account of important business:

Senator Hudspeth, for non-attendance yesterday and for balance of this week, on motion of Senator Watson.

Senator Bailey, for today and balance of this week, on motion of Senator Warren.

#### SIMPLE RESOLUTION.

By Senator Townsend:

Whereas, In recent fires, the prisons located at Rusk and Huntsville have suffered a loss by fire of several buildings and factories connected therewith, necessitating a rebuilding of said buildings and other improvements, the making appropriations to cover such losses by this Legislature; therefore, be it

Resolved by the Senate, That the Prison Commissioners be and they are hereby requested to make a report to the Senate in writing of the nature and extent of the destruction of the State's property by fire, at said places, giving the number and dimension of the buildings destroyed and the amount of other damages sustained, and the probable amount of money necessary to replace same; and be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate to said Prison Commissioners for their information.

The resolution was read and adopted.

#### BILLS AND RESOLUTIONS.

By Senator Brelsford:

Senate bill No. 409, A bill to be entitled "An Act to amend Article 869 of the Revised Penal Code of 1911, so as to include Haskell county in the list of counties exempted from the provisions of said article, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Brelsford:

Senate bill No. 410, A bill to be entitled "An Act to amend Section 3, Article 7355, of the Revised Statutes of 1911, so as to provide that an occupation tax on auctioneers shall not apply to persons who do not regularly follow that calling, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Warren:

Senate bill No. 411, A bill to be entitled "An Act to amend Article 1121, Revised Statutes of 1911, in lieu of all the various subdivisions of the present article providing that corporations created under Chapter 1, Title 25, may be formed for any purpose not in violation of law. Amending Article 1131 so that the charters of all corporations shall be recorded in full in the office of the Secretary of State, and when so recorded a certified copy thereof shall be filed in the office of the county clerk of the county in which the principal office of the corporation is situated and any other county in which the corporation has a branch office."

Read first time and referred to Committee on State Affairs.

Morning call concluded

(By Unanimous Consent.)

By Senators Astin, Real and Collins:

Senate bill No. 412, A bill to be entitled "An Act providing for State aid in establishing and maintaining the farmers' co-operative demonstration work and the boys' and girls' club work now being carried on jointly by the United States Department of Agriculture, Bureau of Plant Industry, the Agricultural and Mechanical College of Texas, Extension Department, and the various county commissioners' courts of Texas; and appropriating a certain sum of money not to exceed five hundred dollars per annum for each county, and five thousand dollars per annum for administration to supplement funds appropriated by the United States Government and the county commissioners' courts of the various counties in this State, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Vaughan:

Senate bill No. 413, A bill to be entitled "An Act to amend House bill No. 743, Chapter 104, of an act passed by the Thirtieth Legislature of the State of Texas, entitled an act to incorporate the city of Texarkana, Texas, as a city of the first class, as a city of 10,000 and over of inhabitants, to grant to the said city a special charter, and to repeal all laws in conflict herewith, as amended by Senate bill No. 63, of the Thirtieth Legislature of the State of Texas, by amending Sections 45, 108, 144, 145, 160, 187, 201, 213, 218, 219, 220, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 260, 280, 288 and 289, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Vaughan:

Senate bill No. 414, A bill to be entitled "An Act to amend Article 1234 and 1236 of Chapter 13, Title 25, of the Revised Civil Statutes of the State of Texas of 1911, to provide for the acquisition by telegraph and telephone companies incorporated under the laws of Texas, of other companies or the systems of other companies incorporated for said purposes by construction or by purchase, lease or other contract, and declaring an emergency"

Read first time and referred to Committee on Internal Improvements.

By Senator Collins:

Senate bill No. 415, A bill to be entitled "An Act to repeal Chapter 93, of the Special Laws of the State of Texas passed by the Thirtieth Legislature, approved April 17, 1907, so far as same applies to Jasper county, and to repeal Chapter 95 of the Special Laws of the State of Texas, passed by the Thirty-first Legislature, approved March 16, 1909, and provided that the General Road Law of the State of Texas, shall be in effect in Jasper county."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senators Vaughan and Townsend:

Senate bill No. 416, A bill to be entitled "An Act to authorize the Railroad Commission of Texas to make inquiry into the expenditures of railways for salaries of officials and otherwise, and to make such orders as may be necessary to secure economy in the expenses of operating railways in Texas, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Lattimore:

Senate bill No. 417, A bill to be entitled "An Act to amend Articles 902 and 903 of Title 10 of the Code of Criminal Procedure of the Revised Criminal Statutes of 1911, relating to recognizances of defendant after conviction and upon appeal."

Read first time and referred to Judiciary Committee No. 2.

By Senators McNealus and Terrell:

Senate bill No. 418, A bill to be entitled "An Act authorizing the incorporation of and defining social clubs, regulating same and electing members thereof, validating charters of clubs already incorporated, making this act cumulative, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Murray:

Senate bill No. 419, A bill to be entitled "An Act to amend Chapter 13 of the acts of the regular session of the Thirty-second Legislature of the State of Texas, approved February 20, 1911, and to transfer Karnes county from the Twenty-fourth Judicial District of the State of Texas, to the Thirty-sixth Judicial District of the State of Texas, and to change the time of holding district court in said Twenty-fourth and Thirty-sixth Judicial Districts, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Astin:

Senate Concurrent Resolution No. 11: Be it resolved by the Senate, the House concurring, That Honorable J. C. Scott, judge of the Twentieth Judicial District of Texas, be granted permission by the Thirty-third Legislature of Texas to be absent from this State for a term of sixty days, beginning July 1, 1913, on account of very important business.

Read first time and referred to Committee on State Affairs.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 18, Providing for the publication of Manual of the Thirty-third Legislature.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE CONCURRENT RESOLUTION REFERRED.

The Chair had referred, after its caption had been read, the following House Concurrent Resolution:

House Concurrent Resolution No. 18, referred to Committee on Contingent Expenses.

#### HOUSE BILL NO. 84.

(Pending Business.)

The Chair laid before the Senate as the pending business from yesterday, House bill No. 84, the question being on the pending amendment by Senator Townsend.

There was also a pending motion by Senator Taylor to table the amendment and the same was withdrawn.

#### SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has concurred in Senate amendments to House bill No. 210 by the following vote, yeas 110, nays 0.

Also the House does not concur in Senate amendments to House bill No. 22, and requests the appointment of a free conference committee. The following committee on the part of the House has been appointed: Woods of Fisher, Burges, Kennedy, Foster and Wagstaff.

Also the House does not concur in Senate amendments to House bill No. 162 and requests the appointment of a free conference committee. The following committee, on the part of the House, has been appointed: McAskill, Burmeister, Rogers, Tillotson and Haney.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 162.

Senator Watson made the following motion in writing:

I move that the Senate elect the following Free Conference Committee on House bill No. 162, to wit: Murray, Warren, Carter, Nugent, Morrow.

The motion was read and Senator Lattimore offered the following substitute:  
Substitute for pending motion:

Resolved, That the Senate elect the following members of the free conference committee on House bill No. 162: Vaughan, Willacy, Real, Darwin, Astin.

On motion of Senator Nugent the substitute motion was tabled.

Senator Willacy offered the following substitute for the motion by Senator Watson:

Substitute: I move that the President of the Senate appoint conference committee on the part of the Senate for House bill No. 162.

Senator Watson made the point of order on the substitute motion that the same was not germane, but was in conflict with Senate rule 69b, and that the adoption of same would be amending the rules of the Senate.

The Chair overruled the point of order.

Senator Nugent moved to table the substitute motion, which motion was adopted by the following vote:

#### Yeas—23.

Astin.	Nugent.
Brelsford.	Paulus.
Carter.	Terrell.
Collins.	Townsend.
Conner.	Vaughan.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McNealus.	Willacy.
Murray.	

#### Nays—3.

Cowell.	Real.
Lattimore.	

#### Present—Not Voting.

Taylor.

#### Absent.

McGregor.

Morrow.

#### Absent—Excused.

Bailey.

Hudspeth.

The motion by Senator Watson was then adopted.

#### FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 22.

Senator Townsend offered the following motion:

Resolved, That the following Senators be elected as members of the Free Conference Committee upon House bill No. 22, to wit: Vaughan, Warren, Astin, Greer and Lattimore.

Senator Wiley offered the following substitute for the motion:

Resolved, That the Senate elect the following as a Free Conference Committee on House bill No. 22: Nugent, Collins, Vaughan, Warren, Lattimore.

Senator Vaughan moved to table the substitute motion, which motion to table was adopted by the following vote:

#### Yeas—23.

Astin.	Paulus.
Brelsford.	Real.
Carter.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McNealus.	Willacy.
Murray.	

Nays—3.

Collins. Wiley.  
Morrow.

Present—Not Voting.

Lattimore. Nugent.

Absent.

McGregor.

Absent—Excused.

Bailey. Hudspeth.

The motion by Senator Townsend was then adopted.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Watson:

Be it resolved by the Senate, That Rule 69b be abrogated and abolished and held for naught.

The resolution was read and referred to Committee on Rules.

#### EXECUTIVE MESSAGE.

Governor's Office.

Austin, Texas, March 6, 1913.

To the Texas State Senate:

I ask the advice and consent of the Senate to the following appointments:

To be Judge of the Criminal District Court No. 2 of Dallas county, Hon. W. L. Crawford, Jr., of Dallas county, vice Barry Miller, resigned.

To be Judge of the Fifty-eighth Judicial District, Hon. W. H. Davidson of Jefferson county, vice W. H. Pope, deceased.

To be members of the board of directors of the Agricultural and Mechanical College:

John I. Guion of Runnels county.  
Walton Peteet of Tarrant county.  
J. Allen Kyle of Harris county  
L. J. Hart of Bexar county.  
R. L. Bennett of Lamar county.  
E. B. Cushing of Harris county.  
E. H. Astin of Brazos county.

To be members of the State Veterinary Board:

Dr. A. E. Flowers of Dallas county.  
Dr. W. A. Knight of Harris county.  
Dr. C. C. Parker of Tom Green county.  
Dr. F. G. Cook of Lamar county.  
Dr. J. W. Burby of Bexar county.  
Dr. S. J. Swift of Travis county.  
Dr. T. W. Watson of Navarro county.

To be Pilot Commissioners for Port Arthur:

George M. Craig, J. Frank Keith, Joe Carthell, B. L. Root, F. H. Robinson, all of Jefferson county.

To be Pilot Commissioners for Port Aransas:

Frank Stevenson, R. L. Mercer, J. E. Cotter, Jed P. Brundrett, W. D. Harmon, all of Nueces county.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### EXECUTIVE SESSION—TIME SET FOR.

The above message from the Governor was read and Senator Collins moved that the Senate go into Executive Session at 12:30 o'clock today, for the purpose of acting on the appointments by the Governor.

Senator Murray moved, as a substitute, that the Senate go into Executive Session at 2:32 o'clock today, for the purpose of considering the appointments by the Governor.

The substitute motion was lost.

The motion to fix the time at 12:30 o'clock today was unanimously adopted.

#### IN EXECUTIVE SESSION.

In Executive Session, the following confirmations were made, as reported to the Journal Clerk by the Secretary of the Senate:

To be Judge of the Criminal District Court No. 2 of Dallas county, Hon. W. L. Crawford, Jr., of Dallas county.

To be Judge of the Fifty-eighth Judicial District, Hon. W. H. Davidson of Jefferson county.

To be members of the board of directors of the Agricultural and Mechanical College, John I. Guion of Runnels county, Walton Peteet of Tarrant county, J. Allen Kyle of Harris county, L. J. Hart of Bexar county, R. L. Bennett of Lamar county, E. B. Cushing of Harris county, and E. H. Astin of Brazos county.

#### IN THE SENATE.

#### RECESS.

On motion of Senator Warren, the Senate, at 12:40 o'clock p. m., recessed until 2:30 o'clock today.

## AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

## SENATE JOINT RESOLUTION NO. 18.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

Senate Joint Resolution No. 18, A joint resolution proposing and submitting to a vote of the people of Texas an amendment to Sections 49 and 52, of Article 3, of the Constitution, authorizing the issuance of bonds and the levying of a tax to pay the interest and sinking fund on same, for public improvements.

The resolution was read and Senator Weinert offered the following amendment:

Section 49. No debt shall be created by, or in behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, pay existing debts; and no debt created to supply deficiencies in current revenue shall ever exceed in the aggregate at any one time five hundred thousand dollars. The Legislature, however, shall have power to authorize the issuance of bonds, to be approved by the Governor and to be based on the permanent endowment of the University, for the purpose of acquiring additional grounds, constructing buildings and making permanent improvements, so as to provide a university of the first class. The Legislature shall also have the power to authorize the issuance of bonds by the penitentiary system, to be approved by the Governor, and may provide that said bonds shall be secured by a lien on the property belonging to the penitentiary system.

Senator Lattimore moved that further consideration of the resolution be postponed for today and that same be made a special order for tomorrow afternoon, after the noon recess, which motion prevailed.

## HOUSE BILL NO. 84.

(Pending Business.)

Action recurred on the pending business, House bill No. 84, the question being on the amendment by Senator Townsend.

Senator Taylor moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—15.

Brelsford.	Nugent.
Carter.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Warren.
Gibson.	Watson.
Kauffman.	Weinert.
Morrow.	

Nays—9.

Johnson.	Townsend.
Lattimore.	Vaughan.
McNealus.	Westbrook.
Murray.	Wiley.
Paulus.	

Absent.

Willacy.

PAIRED.

Senator Collins (present), who would vote "nay," with Senator Hudspeth (absent), who would vote "yea."

Senator McGregor (present), who would vote "nay," with Senator Bailey (absent), who would vote "yea."

Senator Greer (present), who would vote "yea," with Senator Astin (absent), who would vote "nay."

## REASONS FOR VOTE.

Amendment offered by Townsend, on motion to table by Taylor.

I vote 'yea' for the reasons:

1. That in my opinion the amendment is wholly and unequivocally unconstitutional.

2. While personally I would love to help the good people of Crockett get an extension of the Eastern Texas Railroad, and would vote for the rider as to the last named road, I do not believe that it is morally or legally right to inflict upon the people of West Texas the troubles of the people of East Texas, especially when I believe that the rider is unconstitutional, and could not be enforced.

3. Premises considered, I cannot stultify my conscience or sense of manhood by making a vain and useless effort to help my good friends of Houston county, among whom I number many of the best friends of my life, especially so when that effort would do violence to my

sense of right, to my judgment as a lawyer, and could not help my friends.

I, therefore, vote to table the rider.

NUGENT.

Senator Paulus offered the following amendment:

Amend the bill, page 16, by adding between lines 20 and 21 the following: "Provided that the St. Louis Southwestern Railway Company shall purchase at a fair price the State Railroad which runs from Rusk to Palestine and at Rusk connects with the St. Louis Southwestern Railway Company's lines, and shall hereafter operate said State Railroad as a part of its system in Texas."

Senator Conner moved to table the amendment, and on that motion moved the previous question on the amendment and the bill. The motion for the previous question being duly seconded was so ordered.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Vaughan and others:

Whereas, The Hon. Cone Johnson, formerly a member of the Senate of Texas from Smith county, now an eminent citizen of Texas, is in the gallery,

Resolved, That he be invited to address the Senate and that the privileges of the floor be extended to him.

Vaughan, Greer, Taylor, Townsend, Collins, Johnson.

The resolution was read and adopted by a rising vote:

The Chair appointed Senators Vaughan, Greer and Taylor to escort Mr. Johnson to the President's stand, whereupon he addressed the Senate briefly.

#### HOUSE BILL NO. 84.

(Pending Business.)

Action recurred on the pending business, the question being on the motion to table the amendment by Senator Paulus, and the motion to table prevailed.

The bill was read second time and passed to a third reading.

On motion of Senator Taylor, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	

Nays—1.

Paulus.

Absent.

Willacy.

Absent—Excused.

Bailey.

Hudspeth.

The bill was read third time and passed by the following vote:

Yeas—22.

Brelsford.	McGregor.
Carter.	Morrow.
Collins.	Murray.
Conner.	Nugent.
Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.
Greer.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Weinert.

Nays—6.

Astin.	Townsend.
McNealus.	Westbrook.
Paulus.	Wiley.

Absent.

Willacy.

Absent—Excused.

Bailey.

Hudspeth.

Senator Taylor moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 30.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading.

Senate bill No. 30, A bill to be entitled "An Act limiting the hours of labor of

females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, restaurant or theater, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel, restaurant or theater, or other establishment employing any female to provide suitable seats for all employees, and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act."

The committee report, being adverse with favorable substitute, was adopted.

Senator Watson offered the following amendment:

Amend the bill by striking out all of Section 1 and insert in lieu thereof the following:

Section 1. No female shall be employed in any manufacturing or mercantile institution engaged in the manufacture of clothing, shirts, overalls, jumpers or ladies' garments, or any mercantile establishment or workshop or laundry, printing office, dressmaking or millinery establishment, hotel, restaurant or theater or telegraph or telephone office or establishment for more than fifty-four (54) hours during any one week, the hours of such employment to be so arranged as to permit the employment of such females at any time so that she shall not work more than a maximum of ten (10) hours during the twenty-four (24) hour period for one day.

By Cowell, Carter, Watson, Greer, Weinert, Bailey, Nugent, Astin, Lattimore, Kauffman, Murray, Hudspeth, Willacy, McGregor, Gibson.

The amendment was read and, pending discussion, Senator Collins moved to table same, which motion to table was lost by the following vote:

#### Yeas—11.

Collins.	Townsend.
Darwin.	Vaughan.
McNealus.	Warren.
Paulus.	Westbrook.
Real.	Wiley.
Taylor.	

#### Nays—17.

Astin.	Lattimore.
Brelsford.	McGregor.
Carter.	Morrow.
Conner.	Murray.
Cowell.	Nugent.
Gibson.	Terrell.
Greer.	Watson.
Johnson.	Weinert.
Kauffman.	

#### Absent.

Willacy.

#### Absent—Excused.

Bailey.

Hudspeth.

The amendment was adopted by the following vote:

#### Yeas—16.

Astin.	Kauffman.
Brelsford.	Lattimore.
Carter.	Morrow.
Conner.	Murray.
Cowell.	Nugent.
Gibson.	Terrell.
Greer.	Watson.
Johnson.	Weinert.

#### Nays—10.

Collins.	Taylor.
Darwin.	Townsend.
McNealus.	Vaughan.
Paulus.	Westbrook.
Real.	Wiley.

#### Absent.

McGregor.

Willacy.

#### Absent—Excused.

Hudspeth.

#### PAIRED.

Senator Warren (present), who would vote "nay" with Senator Bailey (absent), who would vote "yea."

Senator Nugent offered the following amendment:

Amend the committee substitute, page 4, and caption, by striking out the words "and office" wherever they appear. Pending.

#### EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, March 6, 1913.

To the Senate and House of Representatives:

I transmit herewith, in printed form,



title papers and abstract to the Alamo property, which now belongs to the State, and situated in the city of San Antonio.

These title papers are included in part 1, Exhibits "A" and "B," and include all papers relating to the Alamo property down to and including the deed made to the State for the last piece of property purchased by it.

Part 2 comprises data and information about the Alamo and the siege and massacre of the Texans on March 6, 1836—seventy-seven years ago today.

Part 3 is a discussion of the siege and fall of the Alamo by Captain Potter.

I have had this data and information in the hands of the printer for quite a while, and had intended to send a message to the Legislature transmitting the same for its information. My purpose was to accompany this data by a discussion of the siege and fall of the Alamo and such historical data as I have been searching for, but which I have not been able to obtain. Since the Legislature convened I had letters and telegrams from President Madero of Mexico assuring me that he had in process of copying the reports of General Santa Anna, giving information, from his standpoint, of the siege and massacre of the Texans in the Alamo, but before it could be forwarded to me the revolution in the City of Mexico broke out and President Madero was deposed as president and lost his life.

I have been very deeply interested in the history of the Alamo, and regret that necessity compels me to forego a discussion of the matters and events relating to the siege and fall of the Alamo, which, at this time would seem to be very interesting. I hope at some future time, when I have more leisure to do so, to present these observations for whatever they may be worth to the patriotic Texans who are interested in the true history of this monument to the valor of Texans. I must content myself, however, at this time, with this brief communication transmitting to you the printed data and information already referred to which is herewith respectfully transmitted.

O. B. COLQUITT,  
Governor of Texas.

By direction of the Chair the message is not printed here, in that same has been placed on the desks of the Senators in printed form.

## RECESS.

On motion of Senator Johnson the Senate at 5:50 p. m., recessed until 8 o'clock tonight.

## AFTER RECESS.

(Night Session.)

The Senate was called to order by Lieutenant Governor Mayes.

## SENATE BILL NO. 154.

(By Senator Greer.)

The Chair laid before the Senate on second reading

Senate bill No. 154, A bill to be entitled "An Act to amend Article 696, Chapter 1, of Title 12, of the Revised Criminal Statutes of the State of Texas, as adopted by the Thirty-second Legislature."

The bill was read second time and Senator Greer offered the following amendment, which was read and adopted:

Amend the bill by adding thereto the following: "The fact that there is now no law preventing the leaving of dead bodies of animals in close proximity to private residences, thereby endangering the health of the occupants thereof, creates an imperative public necessity, requiring suspension of the constitutional rule requiring bills to be read on three several days, and this bill is passed with an emergency and shall take effect from and after its passage."

Senator Greer offered the following amendment, which was read and adopted:

Amend the caption by adding after the word "Legislature" in line 9, the words "and declaring an emergency."

Senator Greer offered the following amendment, which was read and adopted:

Amend the bill in line 15 by striking out the word "of" and inserting the word "or."

The bill was passed to engrossment.

## SENATE BILL NO. 355.

(By Senator Kauffman.)

The Chair laid before the Senate, on second reading:

Senate bill No. 355, A bill to be entitled "An Act to amend Article 6625, Title 115, Chapter 11, Revised Statutes, Acts

of 1889, as amended Special Session 1910, by striking therefrom the words: "nor shall the main track of any railroad once constructed and operated be abandoned or moved."

The committee report with (committee) amendments was adopted.

The bill was read second time and passed to engrossment.

#### SENATE BILL NO. 269.

(By Senator McGregor.)

The Chair laid before the Senate on third reading,

Senate bill No. 269, A bill to be entitled "An Act to amend Subdivision 45 of Article 1121 of Title 25 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, so extending the powers of sanitariums as to allow the ownership of real estate, the developing of irrigation, the ownership of hotels and bath houses and outdoor sports for its patients."

The bill was read third time and passed.

Senator Carter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 239.

The Chair laid before the Senate on second reading,

Senate bill No. 239, A bill to be entitled "An Act to amend Subdivision 60, of Article 1121, of Chapter 2, of Title 25, of the Revised Civil Statutes of Texas, of 1911, adopted at the Regular Session of the Thirty-second Legislature, and authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcohol or naptha motor railways, with power to own, construct and operate union depots and office buildings."

The committee report, with (committee) amendments, was read and adopted.

The bill was read second time and ordered engrossed.

#### SENATE BILL NO. 321.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

Senate bill No. 321, A bill to be entitled "An Act to amend Article 1612, Chapter 6 of the Revised Statutes of the State of Texas, enacted in the year 1911 and repealing the law requiring assignments of error in civil cases and providing that motion for new trial in such case shall constitute the assignment of error and repealing all laws in conflict therewith, and declaring an emergency."

The bill was read, and, Senator Warren offered the following amendment, which was read and adopted:

Amend the bill by inserting in line 27, on page 1, and immediately before the word "the" where it first occurs in said line, the following: "Section 2."

The bill was read second time and ordered engrossed.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Lattimore.	Weinert.
Morrow.	Westbrook.

Absent—Excused.

Bailey.	Hudspeth.
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The bill was read third time and passed by the following vote:

Yeas—22.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
McGregor.	Wiley.
McNealus.	Willacy.

## Absent.

Cowell. Taylor.  
Darwin. Vaughan.  
Lattimore. Westbrook.  
Morrow.

## Absent—Excused.

Bailey. Hudspeth.

Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 36.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

House bill No. 36, A bill to be entitled "An Act to amend subdivision 12 of Article 30, Title 5, of the Revised Civil Statutes of 1911, and changing and fixing the time of holding the courts of the Twelfth Judicial District of Texas."

Senator Nugent offered the following amendment, which was read and adopted:

Amend the bill by striking out all of line 17, page 1.

## SENATE BILL NO. 303.

(By Senator Murray.)

The Chair land before the Senate on second reading,

Senate bill No. 303, A bill to be entitled "An Act to amend Article 257, Chapter 2, Title 6, of the Penal Code of the State of Texas of 1911, relating to and prescribing penalties for corporations or officers thereof, who directly or indirectly, furnish, loan or give any money or thing of value to aid those who manage the political campaign of any candidate or candidates, or to any campaign manager, or to any particular candidate or person, to promote the success of such candidate for public office, and to apply the provisions of said article to all persons and corporations required to obtain a permit or a license from the State to do business in this State."

The bill was read and Senator Murray offered the following amendment, which was read and adopted:

Amend by adding at end of line 16 the words "and declaring an emergency."

Senator Murray offered the following

amendment, which was read and adopted:

Amend the bill by striking out all of lines 21 and 22, page 1, and that part of line 23 down to and including the word "money."

The bill was read second time and ordered engrossed.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—23.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

## Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Morrow.	Westbrook.

## Absent—Excused.

Bailey. Hudspeth.

The bill was read third time and passed by the following vote:

## Yeas—23.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

## Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Morrow.	Westbrook.

## Absent—Excused.

Bailey. Hudspeth.

Senator Murray moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 154.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 154 put on its third reading and final passage by the following vote:

##### Yeas—23.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

##### Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Morrow.	Westbrook.

##### Absent—Excused.

Bailey.	Hudspeth.
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The Chair laid before the Senate on third reading,

Senate bill No. 154 (see former action today for caption).

The bill was read third time and passed by the following vote:

##### Yeas—23.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

##### Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Morrow.	Westbrook.

##### Absent—Excused.

Bailey.	Hudspeth.
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#### SENATE BILL NO. 355.

(By Senator Kauffman.)

The Chair laid before the Senate Senate bill No. 355, and Senator Kauffman moved to reconsider the vote by which the bill was passed to engrossment.

The motion prevailed.

The Chair laid before the Senate on second reading,

Senate bill No. 355 (see former action of today for caption).

Senator Kauffman offered the following amendment, which was read and adopted:

Amend caption by adding thereto "and declaring an emergency."

Senator Kauffman offered the following amendment, which was read and adopted:

Amend the bill by adding the following:

Sec. 2. The continued occupancy of the lands by roads which have for five years not been operated, prevent improvements of such roadbed, and the lateness of this session of this Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be enforced from and after its passage, and it is so enacted.

The bill was read second time and ordered engrossed.

On motion of Senator Kauffman the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

##### Yeas—23.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McGregor.	Willacy.
McNealus.	

##### Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Morrow.	Westbrook.

##### Absent—Excused.

Bailey.	Hudspeth.
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The bill was read third time and passed by the following vote:

## Yeas—24.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

## Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Morrow.	

## Absent—Excused.

Bailey.	Hudspeth.
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Senator Kauffman moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 239.

On motion of Senator McNealus the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 239 put on its third reading and final passage by the following vote:

## Yeas—24.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

## Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Morrow.	

## Absent—Excused.

Bailey.	Hudspeth.
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The Chair laid before the Senate on third reading Senate bill No. 239 (see former action of today for caption).

The bill was read third time and passed by the following vote:

## Yeas—24.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

## Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Morrow.	

## Absent—Excused.

Bailey.	Hudspeth.
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Senator McNealus moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## MOTION TO SUSPEND TEMPORARY ORDER OF BUSINESS.

By Senator Nugent:

I move that the rule under which the Senate is now working be suspended, so that Senators Gibson, Johnson and Lattimore may each call up a bill, and then Nugent be called.

The motion was adopted by the following vote:

## Yeas—22.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Weinert.
Kauffman.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

## Nays—1.

Watson.
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## Present—Not Voting.

Lattimore.
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## Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Morrow.	

Absent—Excused.

Bailey.

Hudspeth.

## SENATE BILL NO. 126.

(By Senator Gibson.)

The Chair laid before the Senate on second reading,

Senate bill No. 126, A bill to be entitled "An Act to require applications under oath to be made for witnesses in felony cases; to provide adequate penalties against district clerk or his deputy for unlawfully issuing subpoenas in felony cases; to define the duties of the district judge with reference to sheriff's accounts, and to provide for fees of witnesses residing in the county of the prosecution in felony cases."

The bill was read, and, Senator Watson offered the following amendment:

Amend the bill by striking out the enacting clause.

Pending discussion Senator Gibson moved that the bill lay on the table subject to call.

The motion prevailed.

## SENATE BILL NO. 220.

(By Senator Johnson.)

The Chair laid before the Senate on third reading,

Senate bill No. 220, A bill to be entitled "An Act to authorize the qualified voters of any county or political subdivision thereof in this State to determine by an election to be held for that purpose, whether or not pool rooms or pool halls shall be prohibited in such county or subdivision thereof; to prescribe the manner of holding elections for such purpose, and declaring the result thereof; defining the term 'pool room' or 'pool hall,' and providing a penalty for the violation of the provisions of this act, and providing that after such county or subdivision thereof has prohibited by vote the running of pool rooms or pool halls the county attorney of such county, or the district attorney of the district in which such county is located, may by injunction prohibit the running of such pool rooms or pool halls, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—19.

Astin.  
Brelsford.Carter.  
Collins.Conner.  
Gibson.  
Greer.  
Johnson.  
Kauffman.  
Lattimore.  
Nugent.  
Paulus.Real.  
Terrell.  
Townsend.  
Warren.  
Westbrook.  
Wiley.  
Willacy.

Nays—5.

McGregor.  
McNealus.  
Murray.Watson.  
Weinert.

Absent.

Cowell.  
Darwin.  
Morrow.Taylor.  
Vaughan.

Absent—Excused.

Bailey.

Hudspeth.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 256.

(By Senator Lattimore.)

The Chair laid before the Senate on second reading,

Senate bill No. 256, A bill to be entitled "An Act permitting the formation, and incorporation, of mutual fire, lightning, hail and storm insurance companies, for either or all of such purposes, and providing for their regulation, government and control, and permitting the admission of such companies, created under the laws of other States, or foreign governments, to do business in this State, and prescribing fees to be paid to the Commissioner of Insurance and Banking, and prescribing penalties for the violation of this act, and repealing Chapter 10, Title 71, of the Revised Statutes of the State of Texas of 1911, and all other acts, or laws, or parts of laws, in conflict with this act, or in conflict with any portion of this act; exempting and excepting county mutuals and farmers' mutuals, now operating under lodge systems and printers' mutuals, from the operation of this act, and providing that they shall not be in any way affected by this act, except that they shall make annual reports to the Commissioner of Insurance and Banking, and declaring an emergency."

The bill was read second time and ordered engrossed.

On motion of Senator Lattimore, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—23.

Astin.	Paulus.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Watson.
Conner.	Terrell.
Greer.	Townsend.
Johnson.	Warren.
Kauffman.	Weinert.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.
Murray.	

## Absent.

Cowell.	Morrow.
Darwin.	Taylor.
Gibson.	Vaughan.

## Absent—Excused.

Bailey.	Hudspeth.
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The bill was read third time and passed by the following vote:

## Yeas—24.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

## Absent.

Cowell.	Taylor.
Darwin.	Vaughan.
Morrow.	

## Absent—Excused.

Bailey.	Hudspeth.
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Senator Lattimore moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 222.

(By Senator Nugent.)

The Chair laid before the Senate on second reading.

Senate bill No. 222, A bill to be entitled "An Act to prohibit the pernicious practice of 'hazing' in the State educational institutions, to provide penalties therefor, to provide for the dismissal of teachers, instructors, members of faculties, officers and directors of such State institutions who permit such practices, for their ineligibility, for service as such teachers, instructors, members of faculties, and officers and directors for a term of years thereafter, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and ordered engrossed.

On motion of Senator Nugent, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Gibson.	Terrell.
Greer.	Townsend.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Weinert.
McGregor.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.

## Nays—1.

Conner.

## Absent.

Cowell.	Taylor.
Darwin.	Vaughan.

## Absent—Excused.

Bailey.	Hudspeth.
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The bill was read third time and passed by the following vote:

## Yeas—24.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Gibson.	Terrell.
Greer.	Townsend.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Weinert.
McGregor.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.

## Nays—1.

Conner.

Absent.

Cowell.  
Darwin.Taylor.  
Vaughan.

Absent—Excused.

Bailey.

Hudspeth.

Senator Nugent moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 30.

(By Senator Paulus.)

The Chair laid before the Senate Senate bill No. 30, pending business, when the Senate recessed this afternoon.

Senator Brelsford moved that further action be deferred until tomorrow morning after the morning call.

The motion prevailed.

## SENATE BILL NO. 277.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 277, A bill to be entitled "An Act granting any person who has filed on any public land in the State and who has been compelled to defend a law suit to obtain title to and possession of said land because of an erroneous award of same, to an adverse party by the General Land Office, and declaring an emergency."

Senator Brelsford offered the following several amendments, all of which were adopted; being acted on separately:

(1)

Amend bill line 14, page 1, by inserting after the figures "1907" the following: "and prior to January 1, 1913."

(2)

Amend bill by striking out the word "an" and adding the word "such" at the end of line 18, page 1.

(3)

Amend bill, line 19, page 1, by inserting before the word "general" the following: "commissioner of the."

(4)

Amend the bill, line 17, page 1, by adding after the word "land" the following: "and to whom said land was again awarded by the Commissioner of the General Land Office after the cancellation by him of a prior erroneous award to third parties."

(5)

Amend the bill by adding after the word "litigation" in line 22 the following: "and from the date the applications to purchase were filed."

(6)

Amend the bill by adding after the figures "1907" in line 27, page 1, the following: "and prior to January 1, 1913."

(7)

Amend bill, line 10, page 1, by inserting before the word "general" the words "Commissioner of the."

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "improvements" the words "required by law to be."

(Senator Collins in the chair.)

The bill was read second time and ordered engrossed.

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Greer.	Townsend.
Johnson.	Warren.
Kauffman.	Weinert.
Lattimore.	Westbrook.
McNealus.	Wiley.

Present—Not Voting.

Watson.

Absent.

Cowell.	Morrow.
Darwin.	Taylor.
Gibson.	Vaughan.
McGregor.	Willacy.

Absent—Excused.

Hudspeth.

Bailey.



The bill was read third time and passed by the following vote:

## Yeas—20.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Terrell.
Greer.	Townsend.
Johnson.	Warren.
Kauffman.	Weinert.
Lattimore.	Westbrook.
McNealus.	Wiley.

## Nays—1.

Watson.

Absent.

Cowell.	Morrow.
Darwin.	Taylor.
Gibson.	Vaughan.
McGregor.	Willacy.

Absent—Excused.

Bailey. Hudspeth.

Senator Brelsford moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE JOINT RESOLUTION NO. 21.

By Senator Kauffman:

Senate Joint Resolution No. 21, To amend Section 7 of Article 11 of the Constitution of the State of Texas, authorizing counties bordering on the Gulf of Mexico to build sea walls and designate sea wall reclamation districts for protection of life and property from storm overflow; and to build or condemn land for sea wall and reclamation district, and county to have State's title to the roads and bay shore line to low tide within the district, and right to issue district bonds for acquiring and developing the district and building the sea wall, and district is developed as townsite to sell such portions of the land as not reserved for public use by the county.

Read first time and referred to Committee on Constitutional Amendments.

## ADJOURNMENT.

On motion of Senator Wiley the Senate, at 10:40 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

## BILLS AND RESOLUTIONS SIGNED.

The Chair, Lieutenant Governor Mayes, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

Senate bill No. 253, "An Act creating and incorporating the Clifton Independent School District in Bosque county, Texas, for free school purposes only, defining its boundaries, and declaring an emergency."

House bill No. 27, "An Act to prohibit the use of any imitation, label, trademark, design, device, imprint or form of the flag of the State of Texas, for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency."

House bill No. 167, "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase, own and operate the railroad of the Concho, San Saba and Llano Valley Railroad Company with its franchises and appurtenances; the railroad of the Texas and Gulf Railway Company with its franchises and appurtenances; the railroad of the Gulf and Interstate Railway Company of Texas with its franchises and appurtenances; and the railroad of the Beaumont Wharf and Terminal Company with its franchises and appurtenances; or either or any of such railroads with its or their franchises and appurtenances; and until such purchase or purchases is or are made to authorize lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other companies, or of either or any of them; and to authorize the Gulf, Colorado and Santa Fe Railway Company to lease that portion of the railroad of the Pecos and Northern Texas Railway Company situated between Coleman, Texas, and Sweetwater, Texas, including the railway terminals and other property of the Pecos and Northern Texas Railway Company now or hereafter situated in said cities of Coleman and Sweetwater; and to authorize the Pecos and Northern Texas Railway Company to contract with the Gulf, Colorado and Santa Fe Railway Company for the operation by the officers of the Gulf, Colorado and Santa

Fe Railway Company of said railroad between Coleman and Sweetwater."

House bill No. 284, "An Act to create the Golden Independent School District, known as Common School District No. 24, in Wood county, Texas; to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, and declaring an emergency."

House bill No. 303, "An Act to confer upon the county court of Castro county the civil and criminal jurisdiction belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 339, "An Act to create a more efficient road system for Bosque county in this State."

House bill No. 404, "An Act to amend Section 9 of Chapter 29 of the Special Laws of the Regular Session of the Twenty-eighth Legislature, being the special road law of Nacogdoches county."

House bill No. 517, "An Act to incorporate Star School District in Mills and Hamilton counties as an independent school district, and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein, and declaring an emergency."

#### PROPOSED BILL AS A SUBSTITUTE FOR SENATE BILL NO. 129.

On motion of Senator Brelsford the following is printed here:

Amend committee substitute for Senate bill No. 129, by striking out all after the enacting clause and insert in lieu thereof the following:

Substitute for Senate bill No. 129:

Section 1. In case any of the public free school land that has been purchased from the State after January 1, 1907 and prior to January 1, 1913, on condition of settlement and residence may hereafter be forfeited for the non-payment of interest in the manner now provided by law, the owner of such land at the date of forfeiture, provided the forfeiture was made by reason of interest accrued or accruing prior to the passage of this act, shall have the right for a period of ninety days after notice of the

classification and appraisement of his land, as herein provided, to repurchase any of such tracts, not to exceed one complement of sections upon the terms and conditions prescribed in this act.

Sec. 2. When any of the land included within the preceding section has been forfeited for the non-payment of interest, the Commissioner of the General Land Office shall forward such a list of land to the proper county clerk, and within thirty days after the receipt of said list by the clerk, the owner mentioned in the preceding section who may wish to repurchase any or all of the land, not to exceed one complement of sections, as now provided by law, that he may have permitted to be forfeited, shall advise the Commissioner of the General Land Office of such wish. As soon as practicable after the receipt of such advice by the Commissioner, he shall furnish the Board of Appraisers hereinafter provided for, a complete list of all such lands, together with the names of all persons who have advised him of their desire to repurchase their said lands, or a part of their complements of sections, giving the postoffice address of each person, as well as such other information he may have in his possession as will enable said board to properly appraise said land as hereinafter provided.

Sec. 3. There is hereby created a Board of Appraisers, consisting of three members, to be composed of the Commissioner of the General Land Office, and two members to be appointed by the Governor of the State. Said board shall organize, take the constitutional oath of office and elect one of its members chairman and one secretary thereof, which board and each member thereof shall have the power to administer oaths and take testimony by depositions or otherwise, and said board when organized shall notify the Commissioner of the General Land Office of the facts of its organization and that it is ready to receive from him the lists of lands, names of forfeiting purchasers, and other information and data, as provided for in Section 2 of this act. Upon receipt of such data and information, said board shall ascertain the reasonable values of said land and appraise accordingly, and shall prepare triplicate notices of the appraisement and classification, sending one to each of the forfeiting owners and to the Commissioner of the General Land Office, and retaining one in its possession until the completion of its duties under this act;

when same, together with all the papers and data in the possession of said board, shall be deposited by the secretary thereof with the State Treasurer, who shall keep same on file in his office as an archive thereof. If such forfeiting owner desires to repurchase the land at the appraised value placed thereon by said board, he shall file his application therefor in the General Land Office within ninety days after the date of notice of appraisement, together with one-fortieth of the appraised value of his obligation for the remaining portion of the purchase price, bearing 3 per cent interest per annum. The said one-fortieth cash payment shall conform to the requirements now prescribed for the first payments on applications for the purchase of other public free school land. Before any application shall be accepted and the award issued thereon under the right herein given, the applicant shall deposit in the General Land Office for the use of the general fund a sum of money equal to seven and one-half dollars for each section of land awarded herein, for the purpose of reimbursing said fund for the moneys drawn therefrom under the provisions of this act. The Land Commissioner shall pay into the State Treasury all money paid into his office under this section of this act, and the Treasurer shall place same to the credit of the general fund. All terms, conditions and penalties now provided for the sale of public free school land shall apply, govern and control all sales made under this act, except as may be otherwise provided herein. If the land purchased under the right given herein shall have been resided upon, for three years as required by law prior to the date of purchase, and sufficient proof of that fact shall be in the General Land Office, the purchaser shall not be required to again reside on it; but, if such residence shall not have been completed prior to the date of repurchase, then the purchaser shall repurchase the land upon condition of settlement and residence and continue to reside upon the land in person until he shall have completed the required three years of continuous residence next succeeding the date that the original residence was begun.

Sec. 4. If the owner at the date of forfeiture shall not exercise his right to repurchase, the Commissioner of the General Land Office shall again place the land on the market for sale as is now provided by law for the sale of

leased land. In all such sales the same terms, conditions, limitations, pains and penalties and regulations now prescribed by law for the sale of other public free school land in the same county and the payments therefor, shall govern such sales.

Sec. 5. Provided, that whenever any land, affected by this act, is forfeited and afterwards repurchased under the right of repurchase given by this act, the owner at the time of forfeiture, any lien legal or equitable, and any valid contractual right in favor of any person, firm or corporation, existing against, in and to, said land, or any part of same at the time of forfeiture, shall remain unimpaired and in full force and effect as if no such forfeiture had occurred.

Sec. 6. Each member of the Board of Appraisers provided for by this act except the Commissioner of the General Land Office shall receive as compensation for his services the sum of ten dollars per day for each day actually employed in the performance of his duties as a member of said board, not to exceed ninety days, together with all necessary expenses, including the necessary expenses of the Commissioner of the General Land Office; provided, however, that number of days of actual service for which said member shall have received compensation, as well as expenses incurred by said board in the performance of its duties, shall be stated under oath in writing by said board, or some member thereof, and which, when approved by the Governor, shall be filed with the Comptroller, who shall thereupon issue a warrant upon the State Treasurer for the same. There is hereby appropriated out of any moneys not otherwise appropriated the sum of ten thousand dollars, or so much thereof, as may be necessary to carry out the provisions of this act.

Sec. 7. The fact that on account of several consecutive years' drought in that portion of the State in which most of the public lands are located, a great number of purchasers of said lands have been financially unable to pay the interest due on said lands for the years 1911 and 1912, and that said lands are therefore now subject to forfeiture for the non-payment of interest, and said forfeiture would work a great loss to the available school fund, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three separate days should be suspended, and

that this bill be placed upon its third reading and final passage, and take effect from and after its passage.

### FLOOR REPORTS.

Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate:

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 413, A bill to be entitled "An Act to amend House bill No. 743, Chapter 104, of an act passed by the Thirtieth Legislature of the State of Texas, entitled 'An Act to incorporate the City of Texarkana, Texas, as a city of 10,000 and over inhabitants, to grant to the said city a special charter and to repeal all laws in conflict herewith, as amended by Senate bill No. 63 of the Thirtieth Legislature of the State of Texas, by amending Section 45, 108, 144, 145, 160, 187, 201, 213, 218, 219, 220, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 260, 280, 288 and 289, and declaring an emergency,"

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Carter, Chairman; Cowell, Gibson, Morrow, Real, Terrell.

Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred Senate Concurrent Resolution No. 11, entitled "Senate Concurrent Resolution granting leave of absence for sixty days to Hon. J. C. Scott, judge of the Twentieth Judicial District," have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

BRELSFORD, Chairman.

Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate:

Sir: Your Committee on State Asylums, to whom was referred

House bill No. 376, A bill to be entitled "An Act to provide for the establishment and maintenance of a State Training School and Home for the Feeble Minded of Texas, to locate same, and to

provide for its control and management, and for a board of advisors to determine conditions of admission to said training school and home, and to make appropriations for its establishment and maintenance, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Real, Chairman; Warren, McGregor, Taylor, Westbrook.

### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 690, A bill to be entitled "An Act to appropriate the sum of \$12,000.00, or so much thereof as may be necessary for the purpose of buying additional grounds for the Sam Houston Normal Institute, located at Huntsville, Texas, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend by adding to Section 2 the following: "And provided further, that the appropriation provided for in Section 1, and the purchase of said lands as provided for in Section 2, shall be, and are hereby conditioned upon the approval of the Governor."

We further recommend the bill be not printed.

WILLACY, Chairman.

Committee Room,

Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Contingent Expense, to whom was referred

House Current Resolution No. 18 providing for the publication of the Manual of the Thirty-third Legislature,

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WARREN, Chairman.

Committee Room,  
Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 363, A bill to be entitled "An Act to amend Section 3, Chapter 45, Acts of the Regular Session of the Thirty-second Legislature, so as to provide that no railroad company, terminal railroad company, suburban railroad company, or interurban railroad company, shall ever be permitted to build its main line nearer the shore line or water line of Aransas Harbor than four thousand feet, except at the point where it may enter upon Harbor island, and where it may enter upon the harbor, or at the point where it turns in to connect with terminal tracks, docks, wharves, ship yards, coal chutes and appurtenances connecting with the harbor,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

KAUFFMAN, Chairman.

Committee Room,  
Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 394, A bill to be entitled "An Act to provide for the creation of a school and home for dependent girls; to provide for a board of directors therefor and for the location of same, and provide for the admission of girls to the same and giving the courts of the State jurisdiction with reference thereto; and providing for the management and control of the institution,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PAULUS, Chairman.

Committee Room,  
Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 407, a bill to be entitled "An Act to incorporate the McGregor Independent School District in McLennan county, Texas, for free school purposes only, describing its boundaries, divesting the city of McGregor of the con-

trol of its public schools and title to school property, and vesting the same in the said McGregor Independent School District and its board of school trustees; providing for a board of school trustees for the control and management of the said independent school district; prescribing the rights and powers and privileges and duties of the said McGregor Independent School District and its board of school trustees; providing for a treasurer of school funds of the district, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PAULUS, Chairman.

Committee Room,  
Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 404, A bill to be entitled "An Act to provide for a high school to be located at Hale Center in Hale county, Texas, and giving its boundaries and defining the duties and privileges of same, and giving authority to levy taxes to maintain said high school, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PAULUS, Chairman.

Committee Room,  
Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 408, A bill to be entitled "An Act to create a board of regents for the John Tarleton College of Stephenville, Erath county, Texas; to provide for the appointment of said board; to define its duties and powers; to divest the control and management, legal title and ownership of said institution out of the Governor of the State of Texas, the Superintendent of Public Instruction of the State of Texas and the county judge of Erath county, Texas, to vest said control in said board, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recom-

mendation that it do pass, and be not printed.

PAULUS, Chairman.

Committee Room,  
Austin, Texas, March 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 397, A bill to be entitled "An Act to amend Article 1314, Chapter 26, Title 25 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911; providing for the obtaining of permits to do business in this State by foreign corporations, and that if the charter of such corporations are antagonistic to the laws of the State of Texas, or would not authorize the issuance of a charter to a Texas corporation, that the Secretary of State shall not in such event issue a permit to such corporations to do business in this State, and providing an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 189, A bill to be entitled "An Act to amend Chapter 13, Title 71, of the Revised Civil Statutes of Texas, 1911, providing that corporate surety companies may become sureties on bonds of county and State officials and district and municipal officials,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred,

House bill No. 144, A bill to be entitled "An Act to amend Title 85, Revised Civil Statutes of Texas, 1911, relating to the Library and Historical Commission, by amending Article 5601, and by adding Articles 5607b, 5607c and 5609b,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred,

Senate bill No. 405, A bill to be entitled "An Act to amend Article 2425 of Title 44, Chapter 1 of the Revised Civil Statutes of 1911, adopted by the Thirty-second Legislature providing that drainage and levy bonds issued under the provisions of law may be deposited with State depositories on equal dignity with United States, State, county, independent school district and municipal bonds as now provided in Title 44, Chapter 1; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred,

House Concurrent Resolution No. 16, Protesting against the merging of the Brownsville and Laredo customs districts,

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred,

Senate bill No. 49, A bill to be entitled "An Act to provide for a commission to revise, digest, rewrite, simplify and publish under its supervision, the civil and criminal laws of the State of Texas; requiring said commission to present said revision in two bills, one to contain all the civil and the other all the statutes relating to the criminal laws of Texas; and requiring said commission

to present two other bills, one to embody such reforms in the civil and the other such reforms in the criminal procedure as it may deem wise and expedient; making an appropriation, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Reported out with the proviso that the committee is not bound to support the measure on the floor.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 320, A bill to be entitled "An Act to reorganize the Fifth and Seventh Judicial Districts, and to create the Seventy-third Judicial District, and fix the time of holding courts in said districts; and fix the jurisdiction of the court for the said Seventy-third Judicial District of the State of Texas; and provide for the appointment of a judge and district attorney for said Seventy-third Judicial District; and to repeal all laws in conflict herewith, and declaring an emergency,"

And find same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 342, A bill to be entitled "An Act to amend Article 854, Revised Statutes of 1911, by adding Articles 854a and 854b, authorizing the sale and conveyance by cities and towns of public squares or parks, and providing for the investment of the proceeds of such sale; and the closing for exclusive use, temporarily or perpetually, by any railroad company or other corporation having power of eminent domain, any part or parts of any street or streets, alley or alleys, and to ratify or confirm any prior ordinance closing any street or streets, alley or alleys, or any part or parts thereof, for the use of any railroad company or such other corporation, submitting the sale of a public square or park or the closing of street

or alley to the voters of the city or town, and declaring an emergency,"

And find same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, March 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 253, "An Act creating and incorporating the Clifton Independent School District, in Bosque county, Texas, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 3:15 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

#### PETITIONS AND MEMORIALS.

By Senators Darwin and Conner:

Petitions signed numerously by citizens of their respective districts endorsing the Cotton Belt consolidation bill and urging its passage.

By Senator Terrell:

Petition signed numerously by retail shoe dealers of Waco, Texas, protesting against the principles of the "pure shoe bills" now before the Legislature and urging their defeat.

By Senator Cowell:

Telegram signed numerously by taxpayers of Sherman, Texas, urging the passage of the bill exempting Young Men's Christian Association buildings from taxation.

By Senator Westbrook:

Petition numerously signed by citizens of Prosper, Texas, asking efforts toward defeat of House bill No. 316, pertaining to the sale of drinks containing caffeine.

#### FORTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

Friday, March 7, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the